

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

2007 JUL 19 PM 2: 03

CLERK *Ma Jones*
SO. DIST. OF GA.

RANDY O'NEAL GILBERT,

Plaintiff,

v.

CIVIL ACTION NO.: CV507-021

JAMES E. DONALD, Commissioner;
CALVIN D. MORTON, Warden;
Nurse FOWLER, RN, and DONAPHIN
JOHNS, Medical Nurse Supervisor,

Defendants.

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Through this same pleading, Plaintiff seeks to amend his Complaint so that Defendant Fowler is the only Defendant named in his cause of action. Plaintiff's Motion to Amend his Complaint is **DENIED**.

In his Objections, Plaintiff asserts there is evidence to support his contention that Defendant Fowler administered the incorrect or improper medical treatment with deliberate indifference. Plaintiff also asserts Defendant Fowler failed to take pictures of his injuries. As noted by the Magistrate Judge, Plaintiff's allegations amount to nothing more than medical malpractice or negligence and do not set forth any constitutional violations.

Plaintiff's Objections are without merit. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED**, with prejudice, for failure to state a claim upon which relief may be granted.

SO ORDERED, this 19th day of July, 2007.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA